

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION**

MELODY JOY CANTU AND DR.
RODRIGO CANTU
PLAINTIFFS

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5:20-cv-00746-jkp

v.

DR. SANDRA GUERRA AND
DIGITAL FORENSICS
CORPORATION LLC
DEFENDANTS

**DEFENDANT DIGITAL FORENSICS CORPORATION LLC'S
RESPONSE TO SHOW CAUSE ORDER**

Defendant Digital Forensics Corporation LLC hereby files this Response to the Court's Order to Show Cause dated November 17, 2020, and, for the reasons stated herein, respectfully requests that the Court not impose sanctions.

1. Defendant Digital Forensics Corporation LLC's original counsel, Jerry Rios tested positive for Covid-19 on October 18, 2020. Due to complications from Type 2 diabetes, Rios's condition persisted through November 15, 2020 and Mr. Rios is just now able to return to work.

2. During this time period, Rios's office made arrangements to transfer the case to Lewis K. Harley, who filed the necessary documents for admittance to the court pro hac vice.

3. Harley and Rios had limited communications by phone from time during this period, but somewhere along the way, the pretrial conference hearing

scheduled for November 17, 2020 slipped through each attorney's calendars. Harley did work with opposing counsel to help craft the Proposed Scheduling Order, 26(f) Report, and Advisory required by the court on or before November 13, 2020 without issue, but somehow, the hearing date was missed by Harley and Rios due to their mistake and miscommunication.

4. Harley and Rios each apologize to the court for the miscommunication regarding the hearing on November 17, 2020 that led to the absence of counsel for defendant Digital Forensics Corporation LLC during the hearing and stipulate that there was no conscious indifference of the part of either Harley or Rios for that absence.

5. In light of the foregoing, the undersigned counsel respectfully requests that the Court not impose sanctions.

Respectfully submitted,

THE HARLEY LAW GROUP
4801 Woodway Drive
Suite 300E
Houston, Texas 77056
(713) 968-6540
lewis.harley@harleylawgroup.com

A handwritten signature in black ink, appearing to read "L. K. Harley", written over a horizontal line.

By: _____
Lewis K. Harley
Texas Bar No. 09015500

**ATTORNEY FOR DEFENDANT
DIGITAL FORENSICS
CORPORATION LLC**

CERTIFICATE OF SERVICE

I certify that on December 1, 2020, a true and correct copy of the foregoing document was served via CM/ECF in accordance with the Federal Rules of Civil Procedure, on the attorneys of record listed below.



Lewis K. Harley

Via Electronic Mail:

Tor Ekeland
Tor Ekeland Law, PLLC
195 Montague Street, 14th Floor
Brooklyn, New York 11201
Phone: (718) 737-7264
Email: tor@torekeland.com
Attorney for Plaintiffs

Rain Levy Minns
Rain Minns Law Firm
4412 Spicewood Springs Road
Suite 500
Austin, Texas 78759
Phone: (512) 372-3222
Email: rain@rainminnslaw.com
Attorney for Plaintiffs

Richard G. Cedillo
Courtney R. Gaines
Davis Cedillo & Mendoza, Inc.
McCombs Plaza, Suite 500
755 E. Mulberry Avenue
San Antonio, Texas 78212
Phone: (210) 822-6666
Email: rcedillo@lawdcm.com
Email: cgaines@lawdcm.com
Attorneys for Defendant
Dr. Sandra Guerra